

As required by law, the Board requires applicants for dental and dental hygiene licenses and permits to consent to a fingerprint-based State Bureau of Investigation (SBI) and Federal Bureau of Investigation (FBI) criminal history check. The Board utilizes the information from the background check in determining whether an application should be granted or there is a valid basis for denying or conditioning an application. Having a conviction is not automatically a basis for denial of a license or permit. The Board will notify the applicant in writing of any specific matters in the applicant's criminal history that will or may prevent the Board from issuing a license or permit, so that the applicant may provide additional documentation supporting the application for the Board to consider prior to any final decision.

When an applicant has a criminal conviction, the Board will consider the applicant's additional supporting information and all of the following factors:

- (1) The level and seriousness of the crime.
- (2) The date of the crime.
- (3) The age of the person at the time of the crime.
- (4) The circumstances surrounding the commission of the crime, if known.
- (5) The nexus between the criminal conduct and the prospective duties of the applicant as a licensee.
- (6) The prison, jail, probation, parole, rehabilitation, and employment records of the applicant since the date the crime was committed.
- (7) The completion of, or active participation in, rehabilitative drug or alcohol treatment.
- (8) A Certificate of Relief granted pursuant to North Carolina Gen. Stat. § 15A-173.2.
- (9) The subsequent commission of a crime by the applicant.
- (10) Any affidavits or other written documents, including character references.

Upon completion of the Board's investigation and consideration of the factors set out above, if the Board's final decision is to deny an application based on a criminal conviction, the applicant is entitled to seek review of the decision by filing a petition for judicial review in North Carolina superior court. The procedures for seeking judicial review can be found in Article 4 of the Administrative Procedure Act, N.C. Gen. Stat. § 150B-43 *et seq.* There are specific timelines and procedures for these proceedings, and failure to follow them may lead to the court dismissing or denying a petition. Therefore, any applicant seeking judicial review of an adverse decision by the Board should pay close and prompt attention to the Administrative Procedure Act's requirements.

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